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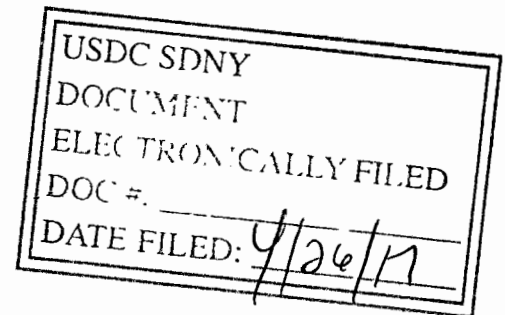
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April 18, 2017

Via Fax to (212) 805-4268 (2 pages)

Honorable Gabriel W. Gorenstein, U.S.M.J.
U.S. District Court
500 Pearl Street
New York, NY 10007

Re: Maldonado et al v. El Aguila Lex, LLC et al
Case No.: 1:15-cv-09306-AJN



Dear Judge Gorenstein:

This office formerly represented Defendants in the above referenced matter which is now closed. Your Honor granted my application to withdraw as counsel by text order entered on October 14, 2016. The primary basis on which I sought to withdraw as counsel was that the Defendants failed to pay the legal fees for my representation. A collection lawsuit has been filed in state court in New Jersey, however, I have been unable to serve the Defendants with the Summons and Complaint.

After my Motion to Withdraw as Counsel was granted, Matthew C. Heerde, Esq. filed a Notice of Appearance, and represented the Defendants through the conclusion of the case. I forwarded the Summons and Complaint for the collection lawsuit to Mr. Heerde, together with an Acknowledgement of Service. Mr. Heerde advised that he was not authorized to accept service.

Effecting service on the two individual Defendants is nearly impossible, as Fernando Matar lives in Mexico and Pedro Matar resides in Mexico part time. The only address I was ever provided for the Defendants was their business address in New York; I do not have the Mexican addresses for the individual Defendants.

By letter dated January 19, 2017 (DE 97), I requested as a follow up to the motion to withdraw as counsel that Your Honor conduct an in person conference, with the individual Defendants, Pedro and Fernando Matar required to appear. Your Honor entered a Memo Endorsement requiring counsel for the Defendants to respond. Mr. Heerde filed a letter in response dated February 1, 2017 (DE 99). The gist of the letter is that Mr. Heerde was willing to attend a conference with Pedro Matar and El Aguila manager, Yulissa Rivera, provided that

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Defendants' appearance at the conference was not used as an opportunity to serve the Defendants with process, before, during or after the conference. Further, Mr. Heerde requested production of documents related to my representation of the Defendants prior to the conference.

After receipt of Mr. Heerde's letter, I was unable to follow up due to a heavy litigation calendar that has had me out of the office frequently for depositions and court appearances.

I am renewing my request that Your Honor schedule an in person conference to be attended by the Defendants, as a follow up to granting my motion to withdraw as counsel. I respectfully submit that Mr. Heerde's condition that the individual Defendants not be served with process before, during or after the conference is unreasonable. Defendants were subject to the jurisdiction of the Court for this litigation, and should be subject to the jurisdiction of the Court for purposes of a fee dispute arising out of my representation of the Defendants in this litigation.

Second, Mr. Heerde's request for production of documents prior to the conference is unreasonable as well. The request is the equivalent of pre-litigation discovery, in that Defendants decline to accept service of process, and the individual Defendants know how difficult it would be to effect service on them in Mexico.

Accordingly, I request that Your Honor schedule an in person conference to be attended by the Defendants, including the individual Defendants, without the conditions Mr. Heerde seeks to impose.

Thank you for your kind courtesies in addressing this matter.

Respectfully submitted,

Michael K. Chong

Michael K. Chong, Esq.

MKC/

cc: All counsel via e mail